

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

JOYCINTH JONES,

Plaintiff,

v.

A.W. HOLDINGS, LLC., a/k/a
ANTHONY WAYNE SERVICES,

Defendant.

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CIVIL NO. 1:09cv284

OPINION AND ORDER

This matter is before the court on a “Motion to Void Judgment, or Recuse or Alternatively to Amend the Pleadings” filed by the plaintiff, Joycintth Jones (“Jones”), on June 27, 2011. The defendant has not responded to the motion.

Discussion

Jones filed an employment discrimination case against the defendant in the Allen Superior Court. The case was removed to this court on October 15, 2009. Jones was originally represented by counsel, but is presently proceeding pro se. The defendant filed a motion for summary judgment, which was granted on February 7, 2011. Jones filed a motion for new trial or alternatively to vacate judgment, which was denied on May 27, 2011. Jones filed a Notice of Appeal on June 21, 2011. Then, on June 27, 2011, Jones filed the present motion to void judgment, recuse, or alternatively to amend the pleadings.

Generally, a district court no longer has jurisdiction over an action as soon as a party filed a notice of appeal. Pittock v. Otis Elevator Co., 8 F.3d 325, 327 (6th Cir. 1993). Although there are a few exceptions to the general rule, such as when a proper Rule 60(b) motion has been filed, there is absolutely no indication that any exception would apply in the present case.

Accordingly, the motion will be dismissed for lack of jurisdiction.

Conclusion

On the basis of the foregoing, Jones' "Motion to Void Judgment, or Recuse or Alternatively to Amend the Pleadings" [DE 65] is hereby DISMISSED.

Entered: July 15, 2011.

s/ William C. Lee
William C. Lee, Judge
United States District Court